

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Richard A Leslie Co., Inc.,

Plaintiff,

v.

Birdie, LLC, and Golfsmith International
Holdings, Inc.,

Defendants.
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DECLARATION OF RICHARD
FAYE

07-cv-5933 (LAK)

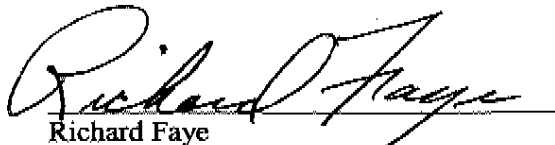
I, Richard Faye, hereby declare the following:

1. From approximately 1968 or 1969 through 2007 I was a factory sales representative (a "factory sales rep") for Richard A. Leslie Co., Inc.
2. At all times during which I was a factory sales rep for Richard A. Leslie Co. Inc., Richard A. Leslie Co., Inc. marketed and sold golf jackets under the brand name "Birdie". Each of these golf jackets contained or used labels or tags bearing the mark "Birdie".
3. At all times during which I was a factory sales rep for Richard A. Leslie Co., Inc., I regularly visited with Richard A. Leslie Co., Inc. customers and spoke regularly by telephone with Richard A. Leslie Co., Inc. customers.
4. At all times during which I was a factory sales rep for Richard A. Leslie Co., Inc., I regularly referred to myself when communicating with customers as "the Birdie jacket rep."
5. At all times during which I was a factory sales rep for Richard A. Leslie Co., Inc., Richard A. Leslie Co., Inc.'s customers referred to Richard A. Leslie Co., Inc. almost exclusively

as "Birdie", "the Birdie jacket company", "Birdie jackets" and the like. In my experience, "Birdie" and Richard A. Leslie Co., Inc. were synonymous.

6. At all times during which I was a factory sales rep for Richard A. Leslie Co., Inc., my customers (that is, the Richard A. Leslie Co., Inc. customers I serviced) included, among others, golf clubs/country clubs, sports retailers, and independent golf pro shops.

I swear under penalty of perjury that the foregoing is true and correct, except as to those statements made upon information and belief, which I believe to be true and correct.


Richard Faye

Date: 9-6-07